(10)

No. 04-70

Supreme Court, U.S.
FILED
DEC 6 - 2004
OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

EXXON CORPORATION

Petitioner,

v.

ALLAPATTAH SERVICES, INC., *et al.*,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

JOINT APPENDIX

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December 6, 2004

PETITION FOR CERTIORARI FILED JULY 14, 2004
CERTIORARI GRANTED OCTOBER 12, 2004

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NOTICE

The following documents have been omitted in the printing of this Joint Appendix. They may be found in the Petitioner's Appendix to the 04-70 Petition For A Writ Of Certiorari at the following pages:

Allapattah Servs., Inc. v. *Exxon Corp.*, 362 F.3d 739 (11th Cir. 2004)	1a-66a
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Allapattah Servs., Inc. v. *Exxon Corp.*, No. 91-0986-CIV-GOLD (S.D. Fla. Oct. 23, 2001) (amended final judgment)	93a-94a
Allapattah Servs., Inc. v. *Exxon Corp.*, 157 F. Supp. 2d 1291 (S.D. Fla. 2001)	95a-156a
Allapattah Servs., Inc. v. *Exxon Corp.*, No. 91-0986-CIV-GOLD (S.D. Fla. May 31, 2001) (*sua sponte* order on subject matter jurisdiction).	157a-159a
Special Verdict Form, *Allapattah Servs., Inc.* v. *Exxon Corp.*, No. 91-0986-CIV-GOLD (S.D. Fla. Feb. 20, 2001)	160a-167a

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Allapattah Servs., Inc. v. *Exxon Corp.*, No. 91-0986-CIV-GOLD (S.D. Fla. Jan. 11, 2000) (*sua sponte* order on subject matter jurisdiction) 170a-171a

Allapattah Servs., Inc. v. *Exxon Corp.*, 88 F.R.D. 667 (S.D. Fla. 1999) (order certifying class) 172a-211a

Allapattah Servs., Inc. v. *Exxon Corp.*, No. 91-0986-CIV-GOLD (S.D. Fla. July 1, 1999) (order granting partial summary judgment) 212a-214a

Allapattah Servs., Inc. v. *Exxon Corp.*, No. 91-0986-CIV-KEHOE (S.D. Fla. Apr. 21, 1998) (order denying motion to decertify class) 215a-219a

Allapattah Servs., Inc. v. *Exxon Corp.*, No. 91-0986-CIV-KEHOE (S.D. Fla. June 25, 1996) (order certifying class) 220a

Allapattah Servs., Inc. v. *Exxon Corp.*, No. 91-0986-CIV-KEHOE (S.D. Fla. Oct. 25, 1995) (provisional order certifying class) 221a

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Allapattah Servs., Inc. v. *Exxon Corp.*, No. 91-0986-CIV-KEHOE (S.D. Fla. June 21, 1994) (report recommending denial of motion to dismiss) 240a-245a

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA (MIAMI)

Civil Docket For Case #: 91-CV-986

ALLAPATTAH SERVICES, et al,

v.

EXXON CORPORATION, et al,

RELEVANT DOCKET ENTRIES

DATE	NO.	PROCEEDINGS
5/13/91	1	COMPLAINT filed; FILING FEE $120.00 RECEIPT # 117533 A-7 STB (dt) [Entry date 05/16/91]
		• • • •
2/26/93	269	SEALED DOCUMENT placed in vault (ea) [Entry date 03/16/93] (Plaintiffs' First Amended Complaint)
		• • • •
6/21/94	338	REPORT AND RECOMMENDATIONS of Magistrate Stephen T. Brown recommending [296-1] motion to dismiss Amended Complaint for lack of subject matter jurisdiction be denied; Signature date: 6/21/94 Motion no longer referred Objections to R and R due by 7/1/94 CCAP (jh) [Entry date 06/23/94]
		• • • •

DATE	NO.	PROCEEDINGS
10/12/94	362	ORDER denying [296-1] motion to dismiss Amended Complaint for lack of subject matter jurisdiction (signed by Judge James W. Kehoe on 10/12/94) CCAP (jh) [Entry date 10/13/94]
		• • • •
2/28/97	746	MOTION by Exxon Corporation to decertify the class for counts I and III of the first amended complaint (jh) [Entry date 03/04/97]
		• • • •
5/17/99	1010	MOTION with memorandum in support by All Plaintiffs for partial summary judgment re: subject matter jurisdiction (hd)
		• • • •
6/7/99	1055	RESPONSE by Exxon Corporation in opposition to [1010-1] motion for partial summary judgment re: subject matter jurisdiction (hd) [Entry date 06/09/99]
		• • • •
6/16/99	1079	REPLY by All Plaintiffs to response to [1010-1] motion for partial summary judgment re: subject matter jurisdiction (gz) [Entry date 06/18/99]
		• • • •
7/1/99	1122	ORDER granting [1010-1] motion for partial summary judgment re: subject matter jurisdiction (Signed by Judge Alan S. Gold on 7/1/99) CCAP [EOD Date: 7/6/99] (hd) [Entry date 07/06/99]

DATE	NO.	PROCEEDINGS
		• • • •
3/30/01	1409	MOTION by Allapattah Services for entry of order on procedure for determination, and for entry of final judgment (sn) [Entry date 04/02/01]
		• • • •
5/11/01	1416	RESPONSE by Exxon Corporation in opposition to [1409-1] motion for entry of order on procedure for determination (sn) [Entry date 05/14/01]
		• • • •
5/31/01	1422	ORDER setting further argument on subject matter jurisdiction issues at oral argument for 9:00 6/7/01 (Signed by Judge Alan S. Gold on 5/31/01) CCAP [EOD Date: 6/1/01] (hd) [Entry date 06/01/01]
		• • • •
6/4/01	1424	REPLY by All Plaintiffs to response to [1409-1] motion for entry of order on procedure for determination, [1409-2] motion for entry of final judgment (hd) [Entry date 06/05/01]
		• • • •
6/8/01	1427	ORDER regarding supplemental memoranda (Signed by Judge Alan S. Gold on 6/8/01) CCAP [EOD Date: 6/8/01] (hd)
		• • • •

DATE	NO.	PROCEEDINGS
6/21/01	1432	SUPPLEMENTAL MEMORANDUM regarding judicial authority for entry of judgment in the full amount awarded by the jury by All Plaintiffs (hd) [Entry date 06/22/01]
		* * * *
6/21/01	1435	SUPPLEMENTAL MEMORANDUM regarding subject matter jurisdiction by All Plaintiffs (hd) [Entry date 06/22/01]
		* * * *
7/5/01	1438	MOTION by Exxon Corporation for leave to file exceed page limitation with regard to Memorandum in support of Motion for Judgment as a matter of law or, in the alternative, for a new trial (Proposed Memorandum located in Pod #2, Docketing) (wc) [Entry date 07/06/01]
		* * * *
7/6/01	1444	RESPONSE by Exxon Corporation in opposition to [1435-1] supplemental memorandum regarding subject matter jurisdiction (hd) [Entry date 07/09/01]
7/6/01	1445	MEMORANDUM in response by Exxon Corporation to [1432-1] supplemental memorandum regarding entry of judgment (hd) [Entry date 07/09/01]
		* * * *
7/13/01	1451	REPLY by All Plaintiffs in support of [1435-1] supplemental memorandum regarding subject matter jurisdiction (hd) [Entry date 07/16/01]

DATE	NO.	PROCEEDINGS
7/13/01	1452	REPLY by All Plaintiffs in support of [1432-1] supplemental memorandum regarding judicial authority for entry of judgment in the full amount awarded by the jury (hd) [Entry date 07/16/01]
		* * * *
8/7/01	1464	ORDER on procedure for determination and entry of final judgment, granting in part, denying in part [1409-1] motion for entry of order on procedure for determination, granting in part, denying in part [1409-2] motion for entry of final judgment (Signed by Judge Alan S. Gold on 8/7/01) [EOD Date: 8/8/01] (hd) [Entry date 08/08/01]
		* * * *
8/29/01	1468	NOTICE OF FILING SUPPLEMENTAL AUTHORITY by All Plaintiffs regarding subject matter jurisdiction re: [1435-1] support memorandum (sn) [Entry date 08/30/01]
		* * * *
10/2/01	1509	ORDER from United States Court of Appeals 11th Circuit GRANTING petition for permission to appeal as to Allapattah Services, Incorporated (on 10/02/01) [EOD Date: 11/1/01] (ga) [Entry date 11/01/01]
10/2/01	1510	ORDER from United States Court of Appeals 11th Circuit GRANTING petition for permission to appeal as to Exxon Corporation (on 10/02/01) [EOD Date: 11/1/01] (ga) [Entry date 11/01/01]
		* * * *

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

01-15575-AA

ALLAPATTAH SERVICES, INCORPORATED, a Florida corporation, ROBERT LEWIS, INC., a Florida corporation, d.b.a. Trial Exxon, G.G.S.K.1, INC., a Florida corporation, d.b.a. North Stuart Exxon, G.G.S.K., Inc., JOHN PINDER, LEE-LANGLEY CORP., MARTIN I. COOK, DAVID WISE, WILLSTON CENTER AUTOCARE, INCORPORATED, RYLYNS ENTERPRISES, INCORPORATED, a Virginia corporation on behalf of themselves and all others similarly situated,

Plaintiffs-Appellees
Cross-Appellants,

ROY PAGE, GLEBE ROAD EXXON, INCORPORATED,
Plaintiffs,

versus

EXXON CORPORATION, a New Jersey corporation,
Defendant-Appellant
Cross-Appellee.

RELEVANT DOCKET ENTRIES

DATE	PROCEEDINGS
	* * * *
03/06/2002	Appellant's Brief Filed: Appellant-Exxon Corporation, (Atty: Robert J. Brookshiser, Jr.)

DATE	PROCEEDINGS
	* * * *
04/16/2002	Appellee/Cross-Appellant Brief: (hand-dlvrd) Appellee-Allapattah Services, Inc., et al. (Atty: Eugene E. Stearns)
	* * * *
05/23/2002	Cross-Appellee/Appellant Reply Brief: Appellant-Exxon Corporation, (Atty: John F. Stanton)
	* * * *
06/18/2002	Reply Brief Filed: Appellee-Allapattah Services, Inc., (Atty: Eugene E. Stearns)
	* * * *
06/11/2003	OPIN1A (Opinion-Issuance with Costs) issued. each party bears their own costs on appeal. cc: Cecchi, James E.
06/11/2003	OPIN1A (Opinion-Issuance with Costs) issued. each party bears their own costs on appeal. cc: Stewart, Larry S. cc: Abrams, Robert G. cc: Brookshiser, Robert J., Jr. cc: Ganzfried, Jerrold J. cc: Stanton, John F. cc: Stearns, Eugene E. cc: Solowsky, Jay
06/11/2003	Opinion Issued 01-15576x. Consol. w/& also filed in 01-16244.
06/11/2003	Judgment Entered
	* * * *
07/02/2003	Petition for Rehearing En Banc: (Atty: John F. Stanton)
07/02/2003	Petition for Rehearing En Banc: (Atty: Eugene E. Stearns)

DATE	PROCEEDINGS
	* * * *
03/15/2004	The Court having been polled at the request of one of the members of the Court and a majority of the Circuit Judges who are in regular active service not having voted in favor of it, the Pet. for Rehearing En Banc is DENIED. (PUBLISH) GBT Dissenting.
	* * * *
07/20/2004	Notice of Filing Certiorari: sc# 04-70
10/12/2004	Checked website, cert granted, limited to question #1 presented by the petition. 90 minutes allotted for oral argument. Didn't give argument date.

SUPREME COURT OF THE UNITED STATES

No. 04-70

EXXON CORPORATION,
Petitioner

v.

ALLAPATTAH SERVICES, INC., et al.

ON PETITION FOR A WRIT OF CERTIORARI to the United States Court of Appeals for the Eleventh Circuit, No. 01-15575, 01-16244.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the Eleventh Circuit.

IT IS ORDERED by this Court that the said petition is granted limited to Question one presented by the petition and is consolidated with No. 04-79. A total of 90 minutes is allotted for oral argument.

October 12, 2004

A true copy WILLIAM K. SUTTER
Test:
Clerk of the Supreme Court of the United States
By _____
Deputy